

**AN ORDINANCE  
BY COUNCILMEMBERS LAMAR WILLIS AND IVORY YOUNG, JR.  
AS SUBSTITUTED BY PUBLIC SAFETY  
AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE AMENDING SECTION 162-227 ENTITLED “FEES CHARGED FOR NON-CONSENSUAL MOTOR VEHICLE TOWING;” SECTION 162-229 ENTITLED “SERVICE CALLS;”SECTION 162-232 ENTITLED “NOTIFICATION UPON REMOVAL OF VEHICLE AT REQUEST OF OTHER THAN POLICE OFFICER;” AND SECTION 162-233 ENTITLED “IMPOUND LOT; ATTENDANT” SO AS TO PROVIDE FOR AN INCREASE IN THE MAXIMUM AMOUNT ALLOWED FOR NONCONSENSUAL TOWING; TO PROVIDE FOR ELECTRONIC NOTIFICATION FROM WRECKER SERVICE TO CITY OF ATLANTA POLICE DEPARTMENT CONTAINING NOTICE THAT VEHICLE HAS BEEN TOWED, LOCATION THAT VEHICLE WAS TOWED, DESCRIPTION OF VEHICLE, VEHICLE IDENTIFICATION NUMBER AND TAG NUMBER, FEES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta Code of Laws provides regulations for the operation of wreckers and wrecker services when conducting non-consensual towing services; and

**WHEREAS**, the City of Atlanta has continuously engaged in review of its Code to refine and make improvements to same; and

**WHEREAS**, the City of Atlanta believes that this area of regulation can and should be improved by among other things, providing for impound lot regulations to make available to the City of Atlanta electronic notification that a vehicle within the municipal boundaries of the City of Atlanta has been towed, together with information specifying the location that the vehicle was towed, the vehicle identification number, tag number and description of the vehicle which was towed.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA**, as follows:

**Section 1:** Section 162-227 entitled “Fees charged for non-consensual motor vehicle towing;” Section 162-229 entitled “Service calls;”Section 162-232 entitled “Notification upon removal of vehicle at request of other than police officer;” and Section 162-233 entitled “Impound lot; attendant” are hereby repealed in their entirety with the following being substituted in lieu thereof:

**Sec. 162-227. Fees charged for non-consensual motor vehicle towing.**

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of **the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time**; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

(b) The fees referred to in paragraph (a) above shall be payable by cash, personal check, debit card, or major credit card, including but not limited to Visa, Mastercard, and American Express, at no additional charge.

(c) Nonconsensual motor vehicle towing fees and storage fees shall be established annually by the city council, after receiving recommendations from the department of finance based on financial information submitted by the nonconsensual motor vehicle towing firms, as to their current costs for the removal and storage of vehicles and personal property, and on other information. That information, as well as supporting and quantitative information, shall be submitted by nonconsensual motor vehicle towing firms by October 31 of each year to the chief financial officer.

**Sec. 162-229. Service calls.**

(a) It shall be unlawful for the owner of any wrecker or the owner's agent, representative or employee to go to any place where an accident has occurred unless called by the **City of Atlanta Police Department**, the driver or the owner of the disabled vehicle or by the owner's authorized representative or employee. **It shall further be unlawful for the owner of any wrecker or the owner's agent, representative or employee** to go to the place of a wreck because of information received by police radio.

(b) Prior to towing a vehicle from any site where an accident has occurred, the employee of a wrecker service, both public and private, shall clear the road surface of any broken glass and debris resulting from the accident.

**Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.**

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report **by electronic notification** to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, **the vehicle identification number** and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

**Sec. 162-233. Impound lot; attendant.**

(a) Every person operating a wrecker service within the city shall maintain an impound lot within the city limits, and all vehicles impounded within the city limits shall be delivered to this lot.

(b) Any person operating a wrecker upon the streets of the city and maintaining an impound lot within the city as set forth in subsection (a) of this section shall maintain an attendant at the impound lot 24 hours of every day, and this attendant shall be clothed with the authority to release any impounded vehicle upon the owner meeting the legal requirements for release.

(c) There shall be posted at the entrance to the impound lot nearest the impound lot office a sign, the minimum size of which shall be 24 inches by 24 inches, painted white with red lettering, stating the towing charge, the storage rate per day, that checks and credit cards shall be accepted in lieu of cash and for no additional fee, that no storage fee may be charged if the vehicle has been held less than 24 hours, that these conditions are required by state law and city ordinance, and that complaints may be made to the police permits section. The location of such sign must be approved by the police permits section as provided by state law.

(d) Lighting shall be provided at a minimum average maintained footcandle value of two on a horizontal plane at the finished surface or grade level.

(e) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain records which shall include the following information:

- (1) The date and time the call was received by the wrecker service;
- (2) The name of the caller;
- (3) The date and time of initial towing;
- (4) The place of initial towing;
- (5) The date and time of arrival at the impound lot;
- (6) The date and time of release to the owner; and
- (7) The name of the wrecker driver and helper.

(f) The records required by subsection (e) of this section shall be maintained at a location where affected members of the public may obtain such information by telephone or in person, during regular business hours. Further, all wrecker services, public and private, which impound vehicles shall register with the department of police the current telephone number of the person responsible for releasing the vehicles.

(g) It shall be unlawful for any wrecker service to operate within the city without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, Mastercard, American Express, Discovery and Diner's Club card. The municipal clerk shall transmit a copy of this subsection to each wrecker service provider.

(h) The records required by subsection (e) of this section shall be maintained at the impound lot required by subsection (a) of this section and shall be made available for inspection 24 hours a day at the request of the department of police.

AN ORDINANCE  
BY: COUNCILMAN H. LAMAR WILLIS



Amending Section 162-221 to be entitled "Private Residential Property Trespass and Private Residential Property Trespass Towing" and modifying; license requirements and fees, permits and impound lot requirements; and for other purposes.

WHEREAS, the City of Atlanta adopted many of the laws and regulations that existed within the Fulton County Code; and

WHEREAS, the City of Atlanta has continuously engaged in review of its Code to refine and make improvements to same; and

WHEREAS, consensual and non-consensual towing of automobiles was not regulated in the Fulton County Code; and

WHEREAS, the City of Atlanta believes that this area of the Code can and should be improved by among other things, providing for licensing procedures for non-consensual wrecker services, providing for a fee system, providing for impound lot regulations to make available to the Atlanta public electronic notification of cars which are towed within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

**Sec. 162-221. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Nonconsensual Towing** shall mean without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

**Wrecker** means an automotive vehicle with hoisting apparatus and equipment for towing vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purposes of towing vehicles.

**Nonconsensual Towing Carrier** shall mean a wrecker service to include a company, owner or agent of the owner residing and operating within the city limits engaged in the towing of trespassing vehicles on private property without prior consent or authorization of the owner or operator of the vehicle and having a secure impoundment facility.

**Nonconsensual Towing Permit** shall mean a permit issued by the Department of the City and/or recognition of the Permit issued by the Department of the State authorizing removal of improperly parked vehicles and trespassing personal property from private property.

**Maximum Rate Tariff** shall mean the publication containing the maximum rates as prescribed by the Department that a wrecker company can assess for the towing and storage of vehicles removed pursuant to the authority granted in the "Nonconsensual Towing Permit".

**Secure Impoundment Facility** shall mean a facility owned or leased by a towing company for the purposes of providing secure storage of towed vehicles.

**Receipt** shall mean a document issued by the attendant to the owner of the vehicle stating all charges have been paid for the towing and storage of vehicle.

**Normal Business Hours** shall mean operating hours of a nonconsensual towing carrier as approved by the City.

(Code 1977,~14-9001; Ord. No. 2001-21 ~2, 3-12-01) Cross References: Definitions generally, ~1-2.

**Sec. 162.222. Compliance Required.**

It shall be unlawful for any Towing Carrier as defined in sec 58.-6 of this article, to use or operate upon any of the streets of the city any wrecker or towing any vehicle without complying with this article.

(Code 1977,~14-9002)

**Sec. 162-223. Permits and registration.**

(a) It shall be unlawful for any Towing Carrier to use or operate upon any of the streets of the city a wrecker or to do any trespass towing (as defined in O.C.G.A ~ 44-1-13) without having obtained a permit granted by the mayor as provided in this section.

(b) Every Towing Carrier desiring to obtain a permit required in this section shall make written application to the chief financial officer for that privilege upon forms to be prepared and approved by the police permits section. The application shall state the name and address of the applicant; place where the proposed business is located; nature and character of the business to be carried on; if a partnership, the names of the partners; if a corporation, the name of the officers; current certificate of insurance to be submitted annually 60 days within contract expiration in compliance with the legal requirements of the city ; such other information as may be required by the police and permits department; and shall be sworn by the applicant or agent thereof. All applicants shall furnish the data, information and records requested of them by the permits department or the department of police, and failure to furnish this data, information and records within 30 days of the date of the request shall automatically result in the dismissal, with prejudice, of the application. Applicants, by filing an application, agree to produce for oral interrogation any persons requested by the license review board, the department of police or the city attorney and considered as being important in the ascertainment of facts relative to the license. The failure to produce a person within 30 days after being requested to do so shall result in automatic dismissal of the application.

(c) It shall be unlawful for any Towing Carrier to use or to operate upon any of the streets of the city any wrecker without having first submitted a list of vehicles used for wrecker services or towing for approval by the department of police. The list of information shall contain the following:

- (1) The make, model and manufacturer's serial number of the vehicle;
- (2) Date the vehicle was put into service as a wrecker;
- (3) The driver's license number of the owner, if an operator, and of all other operators of the wreckers submitted;
- (4) Such other information as may be required by the mayor or the mayor's designee.

A certificate for each vehicle approved will be issued on an annual basis and must be maintained in or on the vehicle at all times while in operation.

(d) It shall be unlawful for a person hired by the owner of private property within the city to remove vehicles from any off-street parking facility or to do any trespass towing without having first current certification from the appropriate department of the State and the approval of

the department of police for the signs required to be posted on the property as provided in section 16-28.014 and as provided by O.C.G.A. ~ 44-1-13.

(1) Signs shall be located at each designated entrance to a parking lot or parking area where parking prohibitions are to be effective. Where there is no designated entrance, such signs shall be erected so as to be clearly visible from each and every parking space. Signs shall be at least four feet above the site grade. Where there is no designated entrance, such signs shall be four feet above the site grade if vehicles are to be parked between the sign and the maneuvering area for the parking space.

(2) Such signs shall be a minimum of twelve (12) inches by eighteen (18) inches with a minimum of ¾ inch lettering. The wording Private Parking shall be printed in Bold with a minimum of 1½ inch lettering; as provided by O.C.G.A. ~ 44-1-13.

(3) Such signs shall state that "unauthorized vehicles may be towed away at owner's expense to..." Such signs shall also include the following information:

a. Such vehicles may be removed at a maximum rate as described in the Maximum Tariff as enforced by the Department of the State authorizing removal of improperly parked vehicles and trespassing personal property from private property.

b. The address of the location to which such vehicles are towed;

c. Approved checks and credit cards shall be accepted in lieu of cash and for no additional fee;

d. No storage fee may be charged if the vehicle has been held for less than 24 hours;

e. Shall state that these conditions are required by state law and city ordinances; and

f. Shall state that complaints may be made to the appropriate officer within the property division of the department of police.

The lettering on such signs shall be conspicuously colored lettering, reflective grade background, and shall be illuminated if out of headlight range.

(Code 1977m ~14-9003; Ord. No. 2000-59, ~1, 11-14-00)

#### **Sec. 162-224. Fees.**

The annual application fee shall be \$25.00 for each truck operated by a wrecker service payable by the wrecker company. The annual registration fee shall be \$25.00 for the operation of a wrecker service. All registrations shall expire on June 30 of each year and shall be renewed between June 1 and June 30 of each year.

#### **Sec. 162-225. Revocation of license; appeals from order of revocation.**

(a) The police chief or the chief's designee may revoke the permit of any Towing Carrier by an approved towing service as indicated by a current permit to operate a wrecker on any of the following grounds:

(1) If the permit to operate was procured by fraudulent conduct or false statement of material fact;

(2) If any principal or employed individual of approved Company proceeds to the scene of an accident in violation of this article;

(3) If any principal or employed individual of approved Company uses a police radio to obtain information as to the location of the scene of an accident;

(4) If any principal or employed individual of approved Company shall pay in the form of a gratuity any person not interested in an accident for information as to the location of an accident;

(5) If any principal or employed individual of approved Company makes any payment to the owner, any agent or subcontractor for the owner or one in possession of a parking lot or vacant lot such payment shall be considered a kickback.

(6) If any principal or employed individual of approved Company charges fees in excess of those set out in section 58-6(C); or

(7) If any principal or employed individual of approved Company violates O.C.G.A. ~ 44-1-13 or any section of this article.

(b) The violation of any provision of this article due to blatant, negligent or fraudulent business practices by any owner or by any employee of a wrecker service or company shall result in the automatic revocation of the wrecker service or company's permit.

(c) This revocation shall terminate all authority and permission granted by the permit to operate issued to the wrecker owner or any person. Any person whose permit has been revoked shall not be eligible to again apply for a permit for a period of one year from the date of the revocation.

(d) Any person whose permit to operate has been revoked by the police chief or the chief's designee may file an appeal to the permits department or the department of police that issued the original approval within 20 days of the date of revocation. The permits department or the department of police that issued the original approval shall have the authority, upon the hearing of the appeal, to recommend to the mayor to reverse, vacate or modify the order of a revocation.

(Code 1977, ~14-9005)

#### **Sec. 162-226. Fingerprints; permits.**

(a) Any Towing Carrier in the city upon approval and receipt of operating permit shall submit to the department of police a list of wrecker drivers employed and able to perform towing services in the city. This list must include the full name, driver license number and date of birth. All wrecker drivers employed must also submit a current motor vehicle registration, MVR, as prescribed by the state reflecting the driving history of the last three years. The department of police will return this list to the company, principal or individual residing and operating in the city upon their full review.

(b) The department of police shall conduct a complete search relative to any police record of the persons provided in the described list. If there is a record of a violation of this article, the employed wrecker driver shall be ineligible to use, drive or operate a wrecker upon any of the streets of the city; however, any person denied the ability to use, drive or operate a wrecker upon any of the streets of the city under this section shall have the right to appeal to the permits department or the department of police that issued the original approval. The Towing Carrier operating in the city will be notified and instructed by the department of police of these findings along with the evidence of their findings and the towing and storage firm will be responsible for taking the appropriate action with the employed wrecker driver.

(c) No wrecker driver employed and able to perform towing services in the city shall be allowed to perform any towing services on any street of the city who has been convicted in this or any other country within three years immediately prior to the application for this permit of soliciting for prostitution, illegally dealing in narcotics, sex offenses or any other crime involving moral turpitude. Further, this privilege shall not be issued to any person who, within the three years immediately preceding the application of this permit has been convicted of three or more moving traffic violations. To be eligible, the person employed must possess a current driver's license as provided by the laws of the state. Any person denied this privilege under this section or any person whose privilege may be revoked under this section shall have the right to appeal this

denial or revocation to the permits department or the department of police that issued the original approval.

(d) The Towing Carrier operating in the city shall maintain the approved driver list and make available to any member of the department of police at any time. This list must be updated with the department of police annually to be submitted by December 1 and returned by the department of police no later than December 31<sup>st</sup> of the same year. (Code 1977, ~14-9001)

**Sec. 162-227. Fees charged for non-consensual motor vehicle towing.**

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle in excess of the rates as described in the Maximum Tariff as enforced by the Department of the State authorizing removal of improperly parked vehicles and trespassing personal property from private property. The Maximum Tariff shall be included with the application and/or annual permit renewal to ensure all permitted services affirm their acknowledgment of the appropriate fee structure. No storage fees shall be charged for the first 24-hour period from the time of the motor vehicle is removed from the property. An approved processing fee shall be allowed after the first 24-hour period in addition to the first day's storage. Any and all fines leading to the removal of improperly parked vehicles and trespassing personal property from private property may be collected prior to release to the vehicle's owner.

(b) The fees referred to in paragraph (a) above shall be payable by cash, certified funds, approved personal checks, debit card, or major credit card, including but not limited to Visa, MasterCard, and American Express, at no additional charge.

(c) Nonconsensual motor vehicle towing fees and storage fees shall be determined by and consistent with the rates as described in the Maximum Tariff as enforced by the Department of the State authorizing removal of improperly parked vehicles and trespassing personal property from private property. City council may review at any time the Maximum Tariff as prescribed by the Department of the State to determine if rates need to be reassessed and further set by city council.

(Code 1977, ~14-9014; Ord. No. 2000-59, ~2, 11-14-00; Ord. No. 2001-21, ~1, 3-12-01; Ord. No. 2001-32, ~1, 5-15-01; Ord. No. 2005-70, ~1, 11-14-05)

**Sec. 162-228. Lettering on vehicles.**

It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any street of the city any wrecker unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the wrecker to operate on the streets of the city, the address from which the wrecker is operating and the telephone number. This lettering shall be in a contrasting color to the color of the wrecker and shall be at least 2 1/2 inches in height and permanently placed.

(Code 1977, ~14-9006)

**Sec. 162-229. Service calls.**

(a) It shall be unlawful for the owner of any wrecker or the owner's agent, representative or employee to go to any place where an accident has occurred unless called by the driver or the owner of the disabled vehicle or by the owner's authorized representative or employee or to go to the place of a wreck because of information received by police radio.

(Code 1977, ~ 14-9007)



(b) Prior to towing a vehicle from any site where an accident has occurred, the employee of a wrecker service, both public and private, shall clear the road surface of any broken glass and debris resulting from the accident.

**Sec. 162-230. City employees soliciting business.**

It shall be unlawful for any city employee to solicit business for any wrecker owner or operator.

(Code 1977, ~ 14-9008)

**Sec. 162-231. Solicitation of towing work.**

It shall be unlawful to drive along any street or bridge and solicit towing work. Solicitation of towing work by the operator or the occupant of a wrecker while parked on any street or bridge is also prohibited. A wrecker operator shall not proceed to the scene of a disabled vehicle without having been requested or notified to do so, as provided in section 58-6(H).

(Code 1977, ~ 14-9009)

**Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.**

(a) The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the Department shall report by electronic means to the Department the fact that the vehicle was removed, released and its present storage place, together with a description of the vehicle, vehicle identification number and the tag number. The electronic report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point and 24 hours of its release to the vehicle owner or agent of the vehicle owner.

(b) The Department shall be authorized to engage the services of a person or entity authorized by the State of Georgia to provide notice to owners of towed or impounded vehicles.

(Code 1977, ~ 14-9010)

**Sec. 162-233. Impound lot; attendant.**

(a) Every person operating a wrecker service within the city shall maintain an impound lot within the city limits, and all vehicles impounded within the city limits shall be delivered to this lot.

(b) Any person operating a wrecker upon the streets of the city and maintaining an impound lot within the city as set forth in subsection (a) of this section shall maintain an attendant at the impound lot 24 hours of every day, and this attendant shall be clothed with the authority to release any impounded vehicle upon the owner meeting the legal requirements for release.

(c) There shall be posted at the entrance to the impound lot nearest the impound lot office a sign, the minimum size of which shall be 24 inches by 24 inches, painted white with red lettering, stating the towing charge, the storage rate per day, that approved checks and credit cards shall be accepted in lieu of cash and for no additional fee, that no storage fee may be charged if the vehicle has been held less than 24 hours, that these conditions are required by state law and city ordinance, and that complaints may be made to the police permits section. The location of such sign must be approved by the police permits section as provided by state law.

(d) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain records which shall include the following information:

- (1) The date and time the call was received by the wrecker service;
- (2) The name of the caller;
- (3) The date and time of initial towing;
- (4) The place of initial towing;
- (5) The date and time of arrival at the impound lot;
- (6) The date and time of release to the owner; and
- (7) The name of the wrecker driver and helper.

(e) The records required by subsection (d) of this section shall be maintained at a location where affected members of the public may obtain such information by electronically, telephone or in person, during regular business hours. Further, all wrecker services, public and private, which impound vehicles shall register with the Department the current telephone number of the person responsible for releasing the vehicles.

(g) It shall be unlawful for any wrecker service to operate within 10 miles of the city without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, MasterCard, American Express and Discovery card.

(h) The records required by subsection (e) of this section shall be maintained at the impound lot required by subsection (a) of this section and shall be made available for inspection 24 hours a day at the request of the Department.  
(Code 1977, ~ 14-9012)

#### **Sec. 162-234. Vehicle not towed upon operator returning.**

The operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property or private property, shall not tow the vehicle away and shall not exceed the operator's fee as prescribed in the Maximum Rate Tariff enforced by the Department of the State authorizing removal of improperly parked vehicles and trespassing personal property from private property if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

(Code 1977, ~ 14-9013; Ord No. 1995-35, 6-25-95)

#### **Sec.162-235. Penalties.**

##### **1. Operating Private Property Impounds without a permit:**

<b>First Offense</b>	\$50.00 (During a 90 day grace period upon City Council approval date)
	\$250.00
<b>Second Offense</b>	\$500.00
<b>Third Offense</b>	Suspension and possible permit revocation plus penalties as determined by the Atlanta Police Department.

2. **Operating Private Property Impounds without a permit displayed:**  
date) **First Offense** \$25.00 (During a 90 day grace period upon City Council approval  
\$100.00  
**Second Offense** \$250.00  
**Third Offense** Suspension and possible permit revocation plus penalties as  
determined by the Atlanta Police Department.
3. **Failure to Notify:** defined as failure to electronically notify the City of Atlanta via  
authorized provider upon receipt and release of an impound.  
**First Offense** \$50.00  
**Second Offense** \$100.00  
**Third Offense** Suspension and possible permit revocation plus penalties as  
determined by the Atlanta Police Department.
4. **Excess towing fees:** (as described in Sec. 58-6(F))  
date) **First Offense** \$25.00 (During a 90 day grace period upon City Council approval  
\$100.00  
**Second Offense** \$250.00  
**Third Offense** Suspension and possible permit revocation plus penalties as  
determined by the Atlanta Police Department.

The department of the police is authorized to impose a civil penalty for violation of the rules in this section in an amount not to exceed \$2,500.00 for each violation as prescribed section 58.

**Sec.162-236-162-250. Reserved.**

## **Sec. 2-1191. Sole source procurement.**

- (a) Under this article, a contract or purchase order for a supply service, construction item or professional or consultant service may be awarded without competition when the chief procurement officer determines in writing, after conducting a good-faith due diligence review of reasonable available sources, that are in the city's best interest, there is only one source for the required supply, service, construction item or professional or consultant service. The due diligence review shall include, but not be limited to, research of available sources and contact with professional and trade associations related to the required supply, service, construction item or professional or consultant service. The determination in writing shall also state the sources reviewed.
- (b) The chief procurement officer shall conduct negotiations as to the terms of the sole source procurement. A record of sole source procurements shall be maintained that lists each contractor's name, the name and type of each contract, the item(s) procured under each contract and the identification number of each contract file.
- (c) Subsequent to the execution of a sole source contract, the original sole source designee may not assign the contract to any other entity or individual unless the provisions of this subsection are satisfied. If the original sole source designee desires to assign the contract subsequent to its execution, it must make a request for assignment to the chief procurement officer and include with that request information concerning the proposed assignee. The chief procurement officer will review such request and information (including any additional information he/she may request) to determine if the assignee independently meets the sole source requirements of this section. If the chief procurement officer finds that the assignee meets the sole source requirements of this section, council must approve such assignment before it may become effective.

(Ord. No. 2007-05 (06-O-0381), § 3, 1-22-07)

### **Sec. 2-1191.1. Special procurements.**

Notwithstanding any other provision of this Code, the chief procurement officer may initiate a procurement above the small purchase amount specified in section 2-1190 where he/she determines that an unusual or unique situation exists that make the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest and such procurement does not technically qualify as a sole source procurement under Code section 2-1191. If determined as appropriate by the chief procurement officer, any special procurement under this section shall be made with such competition as is practicable under the circumstances; provided however, that the chief procurement officer may determine under appropriate circumstances that there is only one logical choice as to a contractor to provide the goods or services necessitated by the special procurement. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the chief procurement officer in the contract file. Nothing in this section shall eliminate the chief procurement officer's obligation to present the recommendation of award of any contract procured under this section to city council for approval, prior to execution of the contract, when the value of the contract exceeds \$300,000.

(Ord. No. 2007-05 (06-O-0381), § 3, 1-22-07)